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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,692	10/04/2000	Glenn Reid	004860.P2475	9006

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EXAMINER	
TRAN, MYLINH T	

ART UNIT	PAPER NUMBER
2179	

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11/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/679,692	REID ET AL.	
	Examiner	Art Unit	
	MYLINH TRAN	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,6,7,9,12,14,15,17,20,22,23,25,28,30,31 and 33-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4, 6-7, 9, 12, 14-15, 17, 20, 22-23, 25, 28, 30-31, 33-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/26/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's Amendment filed 07/30/2009 has been entered and carefully considered. Claims 1, 9, 17, 25, 37, 41, 45, 49, 52 have been amended. Claim 54 has been added. However, the limitations of the amended and new claims have not been found to be patentable over prior art of record, therefore, claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22-23, 25, 28, 30, 31 and 33-54 remain rejected under the same ground of rejection as set forth in the office action mailed (04/30/2009).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22-23, 25, 28, 30, 31 and 33-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Burnard et al. [US. RE37722].

As per claims 1, 9, 17, 25, 37, 38, 41, 42, 45, and 46, Burnard et al. teach a computer implemented method and corresponding system for producing a graphical user interface of an application program, comprising the steps/means:

storing a graphic file (column 3, lines 3-6, "the user interface object parameters are stored in a "resource" file in which each user interface object is assigned an identifier and associated with a list of parameters for that object."),

created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer (column 9, line 25 through column 10, line 20, "an application framework for a user interface might provide a set of pre-defined GUI objects which create windows, scroll bars, menus, etc. and provide the support and "default" behavior for these graphic interface objects"...these applications frameworks include a set of standard objects which create windows, scroll bars, menus, etc, each with its own pre-defined behavior...", the multi-layer type computer program includes scroll bars (1st layer), menus (2nd layer), windows (3rd layer), dictates at least one attribute of a control element and is editable by a user (column 10, lines 20-45),

and is independently editable relative to a different control object (column 10, lines 1-30, "system level services which developers can modify or override to create customized solutions, thereby avoiding the awkward procedural calls

necessary with the prior art application frameworks programs. For example, consider a display framework which could provide the foundation for creating and manipulating windows and UI objects displayed within the windows to display information generated by an application program…the framework supplies a set of predefined objects and a mechanism to modify these objects and create new ones

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface (column 11, lines 30-65 "the UI objects which generate the screen displays can be created in advance by the use of special constructor" program. The constructor program is itself object-oriented and extensible so that it can create and edit both existing UI objects and UI objects created by a program developer. UI objects created or edited with the constructor program are stored in an archive file and can be retrieved at runtime to generate the appropriate screen displays") and column 27, lines 15-55, "),

the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file (column 12, lines 1-50, "in order to create a new UI object which is compatible with the constructor program....the TInspector and TObjectView base classes and TGraphiculator helper class must be subclassed with the member functions overridden so that the new object can be edited. However, the new object must also have a

new escort class created. This new escort class is created by subclassing the base escort classes provided in the constructor program");

As per claims 4, 12, 20, 28, 39, 43, and 47, Burnard et al. teach the at least one layer of the first control object being grouped with the other layers in the graphic file (column 9, lines 25-65).

As per claim 6, 14, 22, and 30, Burnard et al. disclose the control element being an edit control to manipulate a time-based stream of information (column 12, line 60 through column 13, lines 50).

As per claims 7, 15, 23, and 31, Burnard et al. teach the at least one attribute being at least one of an appearance and location and or size and element type and state and function and behavior in a particular environment (column 21, line 57 through column 22, line 35).

As per claims 33-36, 40, 44, and 48, Burnard et al. teach the layers being linked (column 11, lines 40-65).

As to claim 49, Burnard et al. teach the graphics file program displaying the control objects and allowing the control objects to be edited using the graphics file program to change the control element attribute as dictated by the editing of the control objects (column 10, lines 20-45).

As to claim 50, Burnard et al. teach allowing the control objects to be edited comprising allowing use of graphics file program to independently change the

control objects to cause the corresponding attribute of the control element to change (column 27, lines 20-50).

As to claim 51, Burnard et al. teach the multi-layered type computer program comprising a graphics editor; and the control object comprising a picture-related control object embodied in an image page and depicting a control element as the element would appear on the graphical user interface or comprising a textual description of an attribute of a control element listed on a layer list page (column 24, lines 15-55).

As to claim 52, Burnard et al. teach the control objects may be edited by adding deleting, or changing the control object to revise the control elements of the graphical user interface of the application program without converting the graphical user interface of the application program to an intermediate format or recompiling the graphical user interface of the application program (column 29, lines 15-51) and the control elements have at least one of an appearance of an element, a location of an element, a size of an element, a type of a graphical user interface environment, a state of a graphical user interface environment, function of a graphical user interface environment or a behavior of a graphical user interface environment dictated by the control objects (column 11, lines 40-65 and column 27, lines 15-55).

As to claim 53, Burnard et al. teach editing a control object causes a control element to be edited (column 10, lines 20-45).

As to claim 54, Burnard et al. teach the control objects may be edited by adding, deleting, or changing the control object to revise the control elements of the graphical user interface of the application program without converting the graphical user interface of the application program to an intermediate format or recompiling the graphical user interface of the application program (column 10, lines 31-45).

Response to Arguments

Applicant has argued that Burnard teaches accessing a stored graphic file created by a multi-layered type computer program, to display a control element from the graphic file on the graphical user interface of an application program other than the multi-layered type computer program, where the control element has an attribute dictated by one of the control objects. However, in the Burnard's system, the "resource" file (column 3, lines 1-16) is the graphic file as claimed. Burnard teaches the user interface object parameters being stored in the resource file (column 3, lines 3-10); and the application framework for a user interface might provide a set of pre-defined GUI objects which create windows, scroll bars, menus…being the control objects as claimed. Burnard teaches the multi-layered type computer program includes scroll bar, menus and windows such that the scroll bar is the 1st layer as claimed; menu is the 2nd layer as claimed; window is the 3rd layer as claimed (column 9, line 25 through column 10, line 20).

Applicant's attention is also directed to the below paragraph:

In the Burnard's system, the features of storing a graphic file (column 3, lines 3-6, “the user interface object parameters are stored in a “resource” file in which each user interface object is assigned an identifier and associated with a list of parameters for that object.”) created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer (column 9, line 25 through column 10, line 20, “an application framework for a user interface might provide a set of pre-defined GUI objects which create windows, scroll bars, menus, etc. and provide the support and “default” behavior for these graphic interface objects”…these applications frameworks include a set of standard objects which create windows, scroll bars, menus, etc, each with its own pre-defined behavior...", the multi-layer type computer program includes scroll bars (1st layer), menus (2nd layer), windows (3rd layer), dictates at least one attribute of a control element and is editable by a user (column 10, lines 20-45), creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface (column 11, lines 30-65 “the UI objects which generate the screen displays can be created in advance by the use of special constructor” program. The constructor program is itself object-oriented and extensible so that it can create and edit both existing UI objects and UI objects created by a program developer. UI objects created or edited with the constructor program are stored in an archive file and can be

retrieved at runtime to generate the appropriate screen displays") and column 27, lines 15-55, "), the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file (column 12, lines 1-50, "in order to create a new UI object which is compatible with the constructor program....the TInspector and TObjectView base classes and TGraphiculator helper class must be subclassed with the member functions overridden so that the new object can be edited. However, the new object must also have a new escort class created. This new escort class is created by subclassing the base escort classes provided in the constructor program"), each control object independently editable relative to a different control object (column 10, lines 1-30, "system level services which developers can modify or override to create customized solutions, thereby avoiding the awkward procedural calls necessary with the prior art application frameworks programs. For example, consider a display framework which could provide the foundation for creating and manipulating windows and UI objects displayed within the windows to display information generated by an application program…the framework supplies a set of predefined objects and a mechanism to modify these objects and create new ones.").

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179